

REMARKS

Claims 13-25 are pending in this application.

I. Rejection Under 35 U.S.C. §102(e)

Claims 13-25 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication No. 2004/0161596* to Taoka et al. (Taoka). This rejection is respectfully traversed.

According to 35 U.S.C. §102(e), a U.S. national stage application shall have a U.S. filing date under 35 U.S.C. §102(e) only if the corresponding international application (1) designated the United States and (2) was published in the English language. Taoka is the U.S. national stage application of PCT/JP02/05396. Taoka does not have a 35 U.S.C. §102(e) date because this PCT application was not published in the English language.

Taoka has a 35 U.S.C. §102(a) date of August 19, 2004 (the publication date of the U.S. application). The corresponding PCT application for Taoka (WO 2002/096827) published December 5, 2002, less than one year before the present application's November 19, 2003 filing date. However, the present application claims priority to Japanese Patent Application No. 2002-338745 (JP '745), filed November 22, 2002, before any prior art date for Taoka and its patent family.

Attached is a verified translation of the priority document, JP '745, of the present application. The priority document, JP '745, establishes the priority date of November 22, 2002 for the present claims, antedating Taoka and all patent family members thereof.

Accordingly, Applicants submits that Taoka is not prior art with respect to the present application. Reconsideration and withdrawal of the rejection of claims 13-25 are thus respectfully requested.

* On page 3 of the Office Action, Taoka et al. is misidentified as U.S. Patent Publication No. 2004/146596.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance Favorable reconsideration and prompt allowance of claims 13-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:BCA/hs

Attachment:

Verified Translation of Japanese Patent Application No. 2002-338745

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